

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Case No.: 2:20-cr-00326-JAD-BNW

Plaintiff

**Order Granting Motion to Strike
Defendant's Pro Se Motion for Sentence
Recommendation**

v.

John Miles Allison,

[ECF Nos. 42, 43]

Defendant

A year ago, John Miles Allison was sentenced to 78 months in custody for drug-trafficking related offenses. Although Allison is represented by counsel, he moves on a pro se basis for this court to amend his judgment to include a recommendation that the Bureau of Prisons give him the maximum amount of residential re-entry-center placement at the end of his sentence so that he can get the benefit of the earliest possible reintegration into society.¹ The government moves to strike Allison's pro se motion because he is represented by counsel in this matter and has not demonstrated a "special need" for hybrid representation.² Alternatively, the government asks me to deny Allison's motion on its merits because the deadline for seeking this relief expired long ago.³

Under this district's Local Rule 11-6(a), "once an attorney makes an appearance on behalf of a party, that party may not personally file a document with the court."⁴ Allison's

¹ ECF No. 42 at 1 (sealed).

² ECF No. 43 at 1–2.

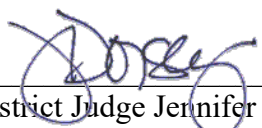
³ *Id.* at 2.

⁴ L.R. IA 11-6(a).

1 attorney in this matter, Robert Draskovich, Esq., has not moved to withdraw his representation,⁵
 2 and Allison does not contend that his situation presents a “special need” for hybrid
 3 representation.⁶ So, because he may not file documents in this matter pro se, I do not consider
 4 his motion and grant the government’s motion to strike it.

5 Even if I were to consider Allison’s motion on its merits, I would deny it. Allison’s
 6 judgment of conviction was entered on March 3, 2022,⁷ and his motion for this recommendation
 7 was filed exactly one year later.⁸ But the Federal Rules of Criminal Procedure give the trial
 8 court just 14 days to amend a judgment, absent special circumstances not present here, and that
 9 deadline had long passed before Allison filed this request.

10 IT IS THEREFORE ORDERED that the government’s motion to strike Allison’s pro se
 11 motion [ECF No. 43] is **GRANTED**. The Clerk of Court is directed to **STRIKE Allison’s**
 12 **motion for sentencing court recommendation [ECF No. 42]**. IT IS FURTHER ORDERED
 13 that the Clerk of Court is directed to **SEND** a copy of this order to John Miles Allison at the
 14 Federal Correctional Institution, Sheridan, 27072 SW Ballston Rd., Sheridan, OR 97378.
 15 **Allison should contact his attorney if he desires to file any future motions or ask his**
 16 **attorney to withdraw his representation.**

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 18 
 U.S. District Judge Jennifer A. Dorsey
 April 6, 2023
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21 ⁵ ECF No. 3; L.R. IA 11-6(b) (explaining that, after making an appearance, counsel of record
 22 may only withdraw by leave of court).

23 ⁶ See *United States v. Olano*, 62 F.3d 1180, 1193 (9th Cir. 1995).

⁷ ECF No. 38 at 2.

⁸ ECF No. 42.